

JURY INSTRUCTIONS

Judge Settle instructs every jury twice: prior to opening statements and at the conclusion of the evidence. At the pretrial conference which is held for each matter (civil and criminal) going to trial, Judge Settle distributes to all counsel copies of his "generic" set of preliminary jury instructions; these are the standard instructions which he gives to a jury at the outset of a trial. They are typically Model Instructions 1.1 through 1.11 for criminal and Instructions 1.1A through 1.19 for civil.

Counsel are provided this preliminary set of jury instructions for two reasons. First, so that objections to any of Judge Settle's standard preliminary instructions may be raised at the pretrial conference; and second, so that counsel do not have to "reinvent the wheel" when submitting instructions on behalf of their clients. Any instructions included in the generic set need not be submitted by any party.

Counsel will be expected to submit to the Court (1) any further instructions upon which the opposing parties have conferred and agreed and (2) each side's proposed jury instructions upon which no agreement has been reached, along with explanations and any citations supporting differing positions. See LCR 51(e) and (f). The Court recommends the latest version of the Ninth Circuit Model Jury Instructions as the preferred proposed instructions.

It is the Court's preference that proposed jury instructions be filed on ECF and a Word version of the instructions submitted via e-mail to settleorders@wawd.uscourts.gov. Each side's set of proposed instructions should also include a proposed verdict form.

At the conclusion of the case, the Court will prepare with counsel the final and controlling set of instructions. Counsel is given an opportunity to take exceptions. Each juror is then given a set of final instructions to follow when the instructions are given to them, for reference during closing arguments, and to use during deliberations.